

Remarks

Claims 4-6, and 19-50 are pending. 4-6 and 19-31 are rejected. Claims 38 and 42 have been amended. New claim 50 has been added. Reconsideration of the claims is requested in light of the following remarks. No new subject matter has been added.

New claims

The Examiner indicated during a phone call on January 12, 2005 that it is the Examiner's position that Charley discloses a translucent window cling. After reviewing both Charley and the Examiner's previous Office Actions regarding Charley, the applicant believes that Charley does not teach a translucent window cling. The result window cling disclosed by Charley has an opaque layer applied to the whole cling that makes the resultant window cling opaque and not translucent.

In the Office Action mailed on January 27, 2004 the Examiner indicated in part three that Charley discloses translucent varnish. However, the translucent varnish is used as a top coat to cover an image that is printed on an *opaque layer*. The use of the translucent varnish as a top coat does not make the resulting image translucent. Once a *single opaque layer* is applied to the whole cling as described by Charley, the resulting cling will always be *opaque* regardless of how many layers of translucent varnish are applied as topcoats.

Further regarding the Office Action mailed on January 27, 2004 the Examiner indicated that Cliffe teaches the use of translucent ink. The Examiner indicated that the translucent ink could be used with Charley to produce a translucent image. Again, once a *single opaque layer* has been applied to the whole cling as in Charley, the resulting window cling will always be *opaque* no matter how much translucent ink is thereafter applied to the window cling.

The Examiner also indicated during the January 12, 2005 phone call that Charley uses a translucent film and suggested that the Examiner must take the use of this film to mean that the resulting window cling is also translucent. The Examiner should not make this conclusion. While Charley may disclose the use of translucent film, an *opaque layer* is applied to the entire translucent film as a base for an image (see Charley, col. 2, lines 60-68.) Once an opaque layer is applied to the translucent film, the resulting product is no longer translucent.

The applicant has included a 1.132 declaration that it is not obvious to apply a layer of translucent varnish *before* applying a layer of ink. Charley of course does not teach this

element because any translucent varnish in Charley is applied as a topcoat that goes on *after* ink.

New Claims

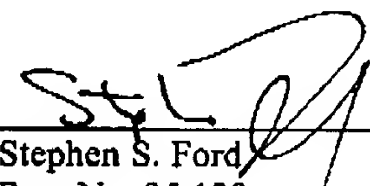
The specification of the present application specifically addresses previous reliance on an opaque layer in producing window clings (see the present application page 6, paragraphs 3-4.) This section of present application specifically discusses the shortcomings of using an opaque layer. New claim 50 has been added to clarify this point. Claims 4, 6, 19, 31, 40 and 42 have been amended for clarification purposes.

Conclusion

The application is in condition for allowance and such action is respectfully requested. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,

MARGER JOHNSON & McCOLLOM P.C.



Stephen S. Ford
Reg. No. 35,139

MARGER JOHNSON & McCOLLOM, P.C.
1030 SW Morrison Street
Portland, OR 97205
503-222-3613